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4 SCOTT JOHNSON,
5 Plaintiff,
6 v.
7 GENNARO'S LIMITED LIABILITY
8 COMPANY, et al.,
9 Defendants.

10 Case No. 21-cv-08102-SVK
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**13 ORDER GRANTING PLAINTIFF'S
14 REQUEST TO DISMISS CASE**

15 On January 4, 2023, Plaintiff Scott Johnson filed a notice stating that he voluntarily
16 dismissed this case without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).
17 Dkt. 78. That rule allows a plaintiff to dismiss an action without a court order by filing a notice of
18 dismissal before the opposing party serves either an answer or a motion for summary judgment.
19 Fed. R. Civ. Proc. 41(a)(1)(A)(i). However, this procedure is not available to Plaintiff because
Defendants filed an answer in this action. Dkt. 10. Accordingly, a court order is required to
dismiss the case.

20 The Court treats Plaintiff's notice of dismissal as a request for an order dismissing this case
21 pursuant to Federal Rule of Civil Procedure 41(a)(2). All Parties have consented to the
22 jurisdiction of a magistrate judge. Dkt. 7, 11, 30. The Court hereby **GRANTS** Plaintiff's request
23 for dismissal, **ORDERS** this action dismissed without prejudice, and **TERMINATES AS MOOT**
24 Plaintiff's motion for default judgment at Dkt. 70. The Clerk of Court shall close this file.

25 **SO ORDERED.**

26 Dated: January 5, 2023

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SUSAN VAN KEULEN
United States Magistrate Judge